

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1142**

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**Introduced by Assembly Member Salas**

February 23, 2007

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An act to add Section 1418.85 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL’S DIGEST

AB 1142, as amended, Salas. Skilled nursing facilities: hospice care.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

Existing law defines a “skilled nursing facility” as a health facility that provides skilled nursing care and supportive care to patients whose primary need is that of availability of care on an extended basis. Existing law imposes specified requirements upon skilled nursing facilities with regard to, among other things, its patients, staffing ratios, and the medical services provided by those facilities.

This bill would ~~require a permit the administrator of a freestanding skilled nursing facility to provide a private room, or at a minimum, a room in the facility designated as a hospice room, if available, to each resident of the facility that has been diagnosed with a terminal condition or illness within 5 days from the date that the facility is notified of the resident’s diagnosis. Since a violation of the provisions applicable to health facilities is a crime, this bill would impose a state-mandated local program, upon notification to the administrator that a resident of the facility is dying, or will soon begin the process of dying, to work with the resident and the resident’s interdisciplinary care team to determine~~

*if moving the resident to a private room in the facility is appropriate, taking into account specified factors. The bill would require a facility, if the administrator, or his or her designee, determines that moving the resident to a private room is appropriate, and a private room is available at the facility for this purpose, to inform the resident, and the resident's family or the resident's representative regarding the facility's policy concerning charges for care provided in a private room, including specified information about Medi-Cal payment information if the resident is a Medi-Cal recipient.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*The bill would require the department, no later than January 1, 2010, to identify innovative facility resident care models for end-of-life and palliative care, as prescribed, and to provide specified information about those care models to each licensed freestanding skilled facility in the state. The bill would also require the department to post related information on those resident care models on the department's Web site.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1418.85 is added to the Health and Safety
- 2 Code, to read:
- 3 1418.85. ~~Notwithstanding any other provision of law, a skilled~~
- 4 ~~nursing facility, as defined in subdivision (c) of Section 1250, shall~~
- 5 ~~provide a private room, or at a minimum, a room in the facility~~
- 6 ~~designated as a hospice room, if available, to each resident of the~~
- 7 ~~facility that has been diagnosed with a terminal condition or illness~~
- 8 ~~within five days from the date the facility is notified of the~~
- 9 ~~resident's diagnosis.~~
- 10 1418.85. (a) *Upon notification to the administrator of a*
- 11 *freestanding skilled nursing facility, as defined in subdivision (c)*
- 12 *of Section 1250, that a resident of the facility is, or will soon be,*
- 13 *beginning the process of dying, the administrator, or his or her*
- 14 *designee, may work with the resident and the resident's*

1 interdisciplinary care team to determine if moving the resident to  
2 a private room in the facility is appropriate, taking into account  
3 the resident's needs, the needs of other residents of the facility,  
4 and the availability of a private room. If the administrator, or his  
5 or her designee, determines that moving the resident is appropriate,  
6 and a room is available at the facility for this purpose, the  
7 administrator, or his or her designee shall inform the resident, the  
8 resident's family, or the resident's representative regarding the  
9 facility's policy concerning charges for care provided in a private  
10 room. If the resident is a Medi-Cal recipient, the facility shall  
11 inform the resident, the resident's family, or the resident's  
12 representative regarding whether the facility has adopted a policy  
13 to allow supplemental payments by family members pursuant to  
14 Section 14019.7 of the Welfare and Institutions Code.

15 (b) The department shall, no later than January 1, 2010, identify  
16 facility resident care models related to end-of-life and palliative  
17 care. The identification of those care models shall include an  
18 application process that encourages facilities to provide examples  
19 of innovative care models and facility best practices for end-of-life  
20 and palliative care. The department shall review those model care  
21 examples and shall select those models that are appropriate for  
22 statewide distribution. The department shall also provide each  
23 licensed freestanding skilled nursing facility in the state with a  
24 description of selected innovative care models, and shall post  
25 related information on the department's Web site.

26 ~~SEC. 2.— No reimbursement is required by this act pursuant to~~  
27 ~~Section 6 of Article XIII B of the California Constitution because~~  
28 ~~the only costs that may be incurred by a local agency or school~~  
29 ~~district will be incurred because this act creates a new crime or~~  
30 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
31 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
32 ~~the Government Code, or changes the definition of a crime within~~  
33 ~~the meaning of Section 6 of Article XIII B of the California~~  
34 ~~Constitution.~~